IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16667 of 2004

Between:

Communist Party of India (Marxist), Chittoor District Committee,
rep. by its Secretary K. Murali S/o. Siddaiah
35 Years.

..... PETITIONER

AND

1 The District Collector, Chittoor District at Chittoor.
2 The Revenue Divisional Officer, Tirupathi, Chittoor District.
3 The Mandal Revenue Officer, Tirupathi (Urban), Tirupathi,
Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court mayl be pleased to Issue an appropriate writ, order or direction, more particularly a Writ in the nature of Mandamus declaring the action of the respondents in trying to demolish the party office building of petitioner situate D.No.12-1B at BTR Nagar of Settipally village, in Tirupathi Urban Mandal, Chittoor District without issuing any notice or opportunity and without following the due process of law as being illegal, arbitrary and unjust and consequently direct the respondents not to demolish the same without following the due process of law.

For the Petitioner:MR.T.SRIKANTH REDDY , Advocate

For the Respondents: GP FOR REVENUE

The Court made the following :

ORAL ORDER::

Communist Party of India (Marxist) Chittoor District Committee, represented by its Secretary, claims to be the owner of D.No.12-1B at BTR Nagar, Settipally village, Tirupathi Urban Mandal, Chittoor District, being used it as their party office, filed the present writ petition stating that the respondents without following due procedure are trying to dispossess the petitioner from the said property. It is their case that they are espousing the cause of poor people and at their instance Government allotted house sites to 166 landless poor persons. In the meanwhile, Sarpanch of Settypalli permitted the petitioner to occupy Ac.0.18 cents of land for establishing their party office, where they have constructed a temporary shed for running the office, which is sought to be removed without following due process.

Learned counsel for the petitioner produced a letter addressed by the Sarpanch of Settypalli Gram Panchayat dt. 18-6-1997 showing an extent of Ac.0.18 cents of land was allotted to the petitioner with specific boundaries and since then they are in possession of the property and they cannot be evicted without following due process of law. He fairly conceded that the land belongs to the Government and Gram Panchayat allotted the same to the petitioner. The third respondent initiated proceedings under Section 145 Cr.P.C., at the best of persons who are politically opposed to the petitioner. Questioning the initiation, the petitioner filed WP No.753/1996 to suspend the said proceedings. In view of the same, the respondents cannot interfere with the possession of the petitioner.

Having regard to the fact that the land belongs to the Government and since Gram Panchayat will not have any right to allot Government land and petitioners were in possession of the property by erecting shed, the respondents have to follow due procedure either as contemplated under A.P. Land Encroachment Act or any other law, if the

possession of the petitioner is objectionable and unauthorized and only after due procedure, the petitioner shall be evicted.

The writ petition is accordingly disposed of.

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A.GOPAL REDDY,J

Dt. 1-10-2004

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To

1 The District Collector, Chittoor District at Chittoor.
2 The Revenue Divisional Officer, Tirupathi, Chittoor District.
3 The Mandal Revenue Officer, Tirupathi (Urban), Tirupathi, Chittoor District.

4. 2 CCs to the Govt.,Pleader for Revenue, High Court Buildings, Hyderabad (OUT)

5. 2 CD copies.